

Department of
Veterans Affairs

Memorandum

Date: August 22, 2019

From: Executive Director, Office of Acquisition and Logistics (003A) and
Senior Procurement Executive

Subj: Class Deviation from VAAR Part 801.603-70— Representatives of Contracting Officers
(VIEWS 01243272)

To: VA Heads of Contracting Activities

1. **Purpose.** Issue Class Deviation in accordance with Federal Acquisition Regulation (FAR) 1.404, Class Deviations, to revise the Department of Veterans Affairs (VA) Acquisition Regulation (VAAR) 801.603-70 paragraphs (b)(2)(iii), (b)(4), and (b)(5).

2. **Effective Date.** Immediately.

3. **Expiration Date.** Upon update(s) through Procurement Policy Memorandum, VA Acquisition Manual (VAAM), or otherwise rescinded.

4. **Applicability.** This class deviation applies to all VA Heads of Contracting Activities (HCAs).

5. **Background.** Issued to remove procedural information from the VAAR.

a. **Need for VAAR Class Deviation.** To remove the requirement(s) at VAAR 801.603-70 paragraphs (b)(4) and (b)(5).

b. **New VAAR Policy.** VAAR 801.603-70 paragraphs (b)(2)(iii), (b)(4) and (b)(5) are being removed. (See attachment.)

c. **Required Action.** All VA HCAs and their staff members shall comply with the requirements of this class deviation.

6. **Additional information.** Direct questions or concerns to the Office of Acquisition and Logistics (003A), Procurement Policy and Warrant Management Service (003A2A) via email at: VA.Procurement.Policy@va.gov, or (202) 632-5288.

Angela Billups 1724054
Digitally signed by Angela Billups
1724054
Date: 2019.08.22 13:56:30 -0400

Angela Billups, Ph.D.

Attachment – Class Deviation from VAAR 801.603-70

**Class Deviation to Department of Veterans Affairs Acquisition Regulation
VAAR 801.603-70, Representatives of Contracting Officers**

801.603-70 Representatives of Contracting Officers.

(a) In carrying out the responsibilities of FAR 1.602-2, the contracting officer may designate another Government employee as COTR to perform the functions in this section and 801.603-71.

(1) Except as indicated in 801.603-71, a designation under this section must be in writing, must define the scope and limitation of the representative's authority, and must be addressed to the COTR with a copy forwarded to the contractor.

(2) The COTR may not re-delegate authority received under this paragraph.

(3) The contracting officer may not authorize a representative to make any commitment or change that will affect the price, quantity, quality, or delivery terms of a contract.

(4) A contracting officer acting within his or her warranted contracting authority must authorize any change to a contract.

(b) A contracting officer may authorize his or her technical representative to do the following:

(1) Furnish technical guidance and advice or generally supervise the work performed under the contract.

(2) Take any action authorized in the contract, such as issuing a delivery order, rejecting an unsatisfactory item, ordering a replacement of an unsatisfactory item (materials or services) or declaring a contractor in default on specific delivery orders.

(i) Except for a contract for blood and orders placed by duly authorized ordering officials against awarded indefinite delivery vehicles, the contracting officer may delegate this authority only to other Government contracting officers under centralized indefinite delivery type contracts and the contract will so state.

(ii) A centralized contract for blood must state that a contracting officer at an ordering office may designate representatives and alternate representatives to place a delivery order subject to the same restrictions in paragraph (b)(3) of this section.

~~(iii) A contracting officer may designate individuals as ordering officers with the authority to execute orders against an awarded indefinite delivery vehicle subject to the restrictions in paragraph (b)(4).~~

(3) Place an oral or other informal delivery order for items such as, but not limited to, bread, milk, and blood against a local indefinite delivery type contract for which there is a blanket purchase arrangement and for which funds have been obligated.

~~(4) Ordering officer. HCAs must establish procedures to delegate authority to non-warranted VA personnel to place orders against their own indefinite delivery vehicles where fixed terms and prices are established in the contract. Ordering officers do not have the authority to negotiate, determine price reasonableness, or determine best value. The contract must state that a contracting officer may designate representatives and alternate representatives to place orders against the indefinite delivery vehicle. Ordering officer authority limitations are to be established through individual appointment letters.~~

~~(5) Ordering officer — Non-Veterans Affairs (VA) contract awards. HCAs must establish procedures to delegate authority to non-warranted VA personnel to place orders against HCA-approved vehicles. Order procedures must limit placement to use of existing terms and prices. Ordering officers do not have the authority to negotiate, determine price reasonableness, or determine best value. The contract must state that a contracting officer may designate representatives and alternate representatives to place orders against the indefinite delivery vehicle. Ordering officer authority limitations are to be established through individual appointment letters and must include order placement procedures.~~

(c) In the administration of research and development contracts, any representative appointed under this section must be acceptable to the contracting officer and the head of the organization concerned.

(d) When the contracting officer intends to designate a representative under this section for a particular solicitation or contract, the contracting officer must include the clause in 852.270-1, Representatives of contracting officers, in the solicitation and contract.